

OLC 76.2/01

28 JUL 1976

MEMORANDUM FOR: Legislative Counsel

ATTENTION :

FROM :

Assistant for Information, DDA

SUBJECT : Addendum to the CY 1975 Report to Congress
on CIA Implementation of the Freedom of
Information Act

In response to your request for suggestions on amendments in Freedom of Information legislation, I prepared the attached addendum. It incorporates the ideas of the Information and Privacy Staff and the DDO, but certainly represents the feelings of the other directorates on the Freedom of Information Act. If you need any further information, please let me know.

Attachment: a/s

ADDENDUM TO CIA REPORT ON FOI
CY 1975

CIA wishes to reemphasize the point that the time limit on FOI responses is not realistic. Security and compartmentation based on "need-to-know" within the Agency necessitate a decentralized records system which cannot be accessed fully within such time constraints. There is also an erosion of security through human error caused by the haste required to handle the volume of material within the unreasonable time limits. A more realistic deadline might be 45 calendar days, which, in most cases, would provide adequate time for more thorough search and review.

We suggest the FOIA be amended to limit requesters to U.S. citizens. Although requests from foreign nationals have not been overwhelming, the potential for CIA becoming a worldwide information service exists should foreign journalists and intelligence services decide to use the FOI mechanism.

Congress should consider allowing agencies to charge for the true cost of FOI search and review. In an intelligence organization, the majority of documents are classified, so that detailed review is required to adequately delete sources and methods information before release. Although an agency may charge specified fees, such monies represent only a fraction of the actual cost of services.

In terms of the expense of the FOIA, an additional concern for the Congress is that American tax dollars are diverting agencies' manpower to benefit select few researchers who are continuous customers. Equal service is provided to convicted, incarcerated felons; fugitives from justice; known Communists; persons whose stated purpose is to harass and destroy U.S. intelligence; or, potentially, foreign intelligence services.

A real concern to intelligence officers as a result of the FOIA is the ability to recruit and retain sources. We do have cases where people have declined to assist us for fear such a relationship would be exposed. If CIA is to continue its mission, we must be able to protect our sources of information.

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